



1. In Shearer's first Motion for Enlargement of Time (Docket No. 126) to file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket No. 123), Shearer outlined the status of progress toward settlement that had been made up to that time. Specifically that on June 22, 2007, Mr. Dunsmore communicated to Shearer that the Government would agree in principal to Shearer's proposed terms of settlement, and that subsequent to June 22 the parties had continued to exchange drafts and discuss by phone the terms and language of a Settlement Agreement. (See Docket No. 126, paragraphs 1-5)

2. In Shearer's second Motion for Enlargement of Time (Docket No. 129) to file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket No. 123), Shearer again documented the recent progress toward settlement. Shearer stated in the reasons for the second Motion for Enlargement of Time that he would continue efforts toward settlement between the dates of October 29 to November 19 with the goal of reaching a settlement. If a settlement was not reached then he would file a response by November 26, 2007.

3. Between October 29 to November 19 Shearer and the Government continued to exchange settlement drafts and phone calls to discuss settlement. Shearer did send the Government his last proposed draft on November 16, and Shearer and the Government exchanged final corrections to a partial Settlement Agreement on November 21, 2007.

4. On November 21, 2007, Shearer and Mr. Dunsmore spoke by phone and agreed that they had a final draft of the partial Settlement Agreement. Mr. Dunsmore communicated to Shearer by phone and by email that he would forward the partial Settlement Agreement exchanged on November 21 to the appropriate officials within United States Department of

Justice and recommend it for approval. (See Exhibit A: Email from Dean Dunsmore to Paul Shearer dated November 21, 2007.)

5. On about the end of January (the approximate date that Mr. Dunsmore has communicated) the partial Settlement Agreement, if approved by the appropriate officials within the United States Department of Justice, can be ready to be filed.

6. On about the end of January is therefore also the approximate date that the parties would know if the partial Settlement Agreement had been disapproved by the appropriate officials within the United States Department of Justice, and therefore could not be filed.

7. On about the end of February (allowing about 30 days after the parties might first learn that the Settlement Agreement was disapproved by Department of Justice) is the next deadline that the parties have agreed that Shearer would need to file a response to the otherwise mute United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket No. 123). Mr. Dunsmore has represented by email (see Exhibit A) that the United States does not have any objection to an enlargement of time until the end of February for this response since, as discussed by phone with Mr. Dunsmore on November 23, the response will only be needed in the event that the partial Settlement Agreement is disapproved. If alternatively the partial Settlement Agreement is approved, then the United States Motion to Dismiss will be mute for all issues resolved by the approved partial Settlement Agreement. Shearer therefore requests an enlargement of time until February 28, 2008 to file a response based on the estimate that the parties will know by end of January if the Justice Department disapproves the proposed partial Settlement Agreement.

8. If the partial Settlement Agreement is approved by the end of January then the following approximate schedule would be needed to complete this first partial Settlement Agreement.

9. On about the end of February (30 days after the approved partial Settlement Agreement is filed) is the agreed deadline for the parties to prepare and for Shearer and McCready to sign all of the additional settlement documents to include Quitclaim Deeds, Bill of Sale, and Affidavits.

10. On about the end of March (within 30 days after the Department of Justice receives the additional settlement documents) is the agreed deadline for the United States Justice Department to transmit a request to the United States Department of the Treasury to pay Shearer the settlement payment which will complete the terms of the first partial Settlement Agreement. When Shearer receives the settlement payment a Notice will be filed with the Court to indicate the terms of the first partial Settlement Agreement have been completed.

11. The completed partial Settlement Agreement will resolve all claims with the consented property in Shearer's Second Amended Complaint identified as Parcels 1, 3, 4, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

12. The completed partial Settlement Agreement will make those settled claims mute in the United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123).

13. The completed partial Settlement Agreement will therefore result in a Shearer Motion to file a Third Amended Complaint. The amended Complaint would show the claims resolved by the partial settlement agreement, show the claims the parties settled to be dismissed with

prejudice, show the claims the parties settled to be dismissed without prejudice, and be updated to show the only remaining issues that have not been settled.

For the reasons stated above, plaintiff Shearer requests time to allow the parties to submit a partial Settlement Agreement for approval to the appropriate officials in the Department of Justice, and only if that Partial Settlement Agreement is returned as disapproved, for additional time needed to prepare and file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123).

For the reasons stated above, plaintiff Shearer requests an enlargement of time to file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123) until February 28, 2008.


Dated November 23, 2007

A handwritten signature in black ink, reading "Paul G. Shearer", written over a horizontal line.

Plaintiff  
Paul G. Shearer  
1532 Meadows Drive  
Lake Oswego, OR 97034

## CERTIFICATE OF SERVICE

I certify that a copy of the above documents was mailed, by first class mail addressed to the persons at the addresses stated below on November 23, 2007.

  
\_\_\_\_\_  
Paul G. Shearer

Addressee(s):

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Clerk of Court  
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